

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Education for Homeless Children Act is
5 amended by changing Sections 1-25 and 1-30 as follows:

6 (105 ILCS 45/1-25)

7 Sec. 1-25. Ombudspersons; dispute resolution; civil
8 actions.

9 (a) Each regional superintendent of schools shall act as an
10 ombudsperson to provide resource information and resolve
11 disputes relating to the rights of homeless children under this
12 Act, except in Cook County, where each school district shall
13 designate a person to serve as ombudsperson when a dispute
14 arises. If a school denies a homeless child enrollment or
15 transportation, it shall immediately refer the parent or
16 guardian to the ombudsperson. The child shall be admitted and
17 transported to the school chosen by the parents or guardians
18 until final resolution of the dispute. The ombudsperson shall
19 convene a meeting of all parties and attempt to resolve the
20 dispute within 5 school days after receiving notice of the
21 dispute.

22 (a-5) Whenever a child and his or her parents who initially
23 share the housing of another person due to loss of housing,
24 economic hardship, or similar reasons continue to share the
25 housing, the superintendent of the school district of origin
26 may request, after the passage of 18 months or the minimum
27 number of months identified in the State Plan required under
28 the federal McKinney-Vento Homeless Assistance Act, whichever
29 is greater, and annually again thereafter, that the
30 ombudsperson determine whether the parents and child currently
31 share the housing due to the loss of housing, economic
32 hardship, or similar reasons. This determination shall be

1 effective solely at the close of the academic year, shall be
2 based on the totality of circumstances, and may include the
3 consideration of all relevant factors, including, but not
4 limited to, (i) the length of time that the child and parents
5 have been sharing the housing of another person; (ii) the
6 degree to and manner in which the parents are capable of
7 obtaining alternative housing within the school district of
8 origin through such means as employment, a savings plan, public
9 benefits, publicly funded supports and programs, alimony,
10 child support, and assets; (iii) the degree to and manner in
11 which the parents have attempted to obtain alternative housing
12 and alternative housing supports within the school district of
13 origin; (iv) the degree to and manner in which alternative
14 housing and alternative housing supports are otherwise
15 available to the parents within the school district of origin;
16 (v) the degree to and manner in which the parents are capable
17 of obtaining alternative housing in the school district of
18 origin with the support of other persons, such as friends,
19 relatives, social service programs, housing programs, and
20 support from congregations and civic organizations; (vi) the
21 degree to and manner in which the living conditions and
22 circumstances in the shared housing are adequate; (vii) the
23 degree to and manner in which the child and parents have a
24 social and economic nexus to the region served by the school
25 district of origin; and (viii) the degree to and manner in
26 which the child and parents have a social and economic nexus to
27 the area served by the school district in which the homeless
28 child is living.

29 (b) Any party to a dispute under this Act may file a civil
30 action in a court of competent jurisdiction to seek appropriate
31 relief. In any civil action, a party whose rights under this
32 Act are found to have been violated shall be entitled to
33 recover reasonable attorney's fees and costs.

34 (c) If a dispute arises, the school district shall inform
35 parents and guardians of homeless children of the availability
36 of the ombudsperson, sources of low cost or free legal

1 assistance, and other advocacy services in the community.

2 (Source: P.A. 88-634, eff. 1-1-95.)

3 (105 ILCS 45/1-30)

4 Sec. 1-30. McKinney-Vento Education for Homeless Children
5 Committee. The Homeless Children Committee is abolished on the
6 effective date of this amendatory Act of the 94th General
7 Assembly. There is created the McKinney-Vento Education for
8 Homeless Children Committee composed of 13 members, appointed
9 as follows: the Governor shall appoint, for a term of 2 years,
10 4 providers to homeless persons who represent the geographic,
11 racial, ethnic, and economic diversity of the State; the
12 Speaker of the House of Representatives, the Minority Leader of
13 the House of Representatives, the President of the Senate, and
14 the Minority Leader of the Senate each and individually shall
15 appoint, for a term of 2 years, a homeless or formerly homeless
16 parent, after consultation with a statewide non-profit
17 organization that advocates an end to homelessness; the State
18 Superintendent of Education shall appoint, for a term of 3
19 years, one person who represents a statewide non-profit
20 organization that advocates an end to homelessness and 4 school
21 personnel, one who represents City of Chicago School District
22 299 and 3 who represent, respectively, Regions 1 and 2, Regions
23 3 and 4, and Regions 5 and 6 of the Illinois Association of
24 Regional Superintendents of Schools. These appointments shall
25 be made no later than 3 months after the effective date of this
26 amendatory Act of the 94th General Assembly. If a member of the
27 Committee resigns or is otherwise unable to adequately fulfill
28 the responsibility of serving on the Committee, the appointing
29 authority shall immediately appoint a person to complete the
30 unfinished term of his or her predecessor. When a term of
31 appointment is completed, the appointing authority shall
32 re-appoint the person or appoint another person in his or her
33 place, for a new term of office that corresponds in length to
34 the original term. Failure to make an appointment as provided
35 in this Section shall in no way hinder or prohibit the other

1 members of the Committee from acting upon the responsibilities
2 and authority of the Committee set forth in this Act. The
3 Committee shall meet no less than 3 times a year; review any
4 and all facts and policies relevant to the educational success
5 of homeless children; solicit and receive information from
6 educators, public officials, and other persons interested in
7 the educational success of homeless children; respond to
8 requests for information and guidance from members of the
9 General Assembly and other public officials; review,
10 promulgate, and modify, through addenda, amendments, or
11 otherwise, the State plans required under the federal
12 McKinney-Vento Homeless Assistance Act; establish performance
13 objectives, benchmarks, and measures for the allocation and
14 expenditure of funds available under the federal
15 McKinney-Vento Homeless Assistance Act; and establish its own
16 procedures and rules for conducting business. The State
17 Superintendent of Education shall provide the assistance
18 necessary to ensure that the homeless and formerly homeless
19 persons who serve on the Committee are able to undertake the
20 travel necessary for Committee business; designate an employee
21 of the State Board of Education to convene the first meeting of
22 the Committee no later than 4 months after the effective date
23 of this amendatory Act of the 94th General Assembly and
24 thereafter support the Committee in all its work; and otherwise
25 take all action necessary to ensure that the members may act
26 upon the responsibilities and authority of the Committee set
27 forth in this Act. There is hereby created a Homeless Children
28 Committee composed of 24 members, 18 of whom shall be appointed
29 by the State Superintendent of Education after consultation
30 with advocates for the homeless and private nonprofit
31 organizations that advocate an end to homelessness, 2 of whom
32 shall be members of the General Assembly appointed (one from
33 each chamber) by the Governor, and 4 of whom shall be members
34 of the General Assembly appointed one each by the Speaker of
35 the House of Representatives, the Minority Leader of the House
36 of Representatives, the President of the Senate, and the

1 ~~Minority Leader of the Senate. Of the 18 members appointed by~~
2 ~~the State Superintendent of Education as provided in this~~
3 ~~Section, 6 shall be homeless and formerly homeless parents or~~
4 ~~guardians, 6 shall be providers to and advocates for homeless~~
5 ~~persons, and 6 shall be school personnel from different~~
6 ~~geographic regions of the State. Members of the Committee shall~~
7 ~~serve at the pleasure of the appointing authority and a vacancy~~
8 ~~on the Committee shall be filled by the appropriate appointing~~
9 ~~authority. The Committee shall have the authority to review and~~
10 ~~modify the current and future State plans that are required~~
11 ~~under the federal Stewart B. McKinney Homeless Assistance Act.~~

12 (Source: P.A. 88-634, eff. 1-1-95.)